REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Applicant appreciates the interview held on August 26th and the kind suggestions provided by Examiner Whaley. The claims have been amended in view of these suggestions. No new matter is entered by way of the amendments.

Withdrawn claims 27-29 are cancelled.

Applicant previously elected Group I, drawn to a method and system of managing batches of immunocompetent cells for deferred use, and species I-A (human cells); II-i (blood sample); III-A (bioelectronic information); and IV-C (implemented in a therapeutic protocol including a step for checking the harmlessness of the lymphocytes before re-injection).

Claim 1 has been amended in view of published application paragraphs [0091-0094]. These paragraphs disclose (emphasis added): "[0091] The management method according to the invention allows the constitution all along a human or animal subject's life of both a personal 'cell library' and of a personal database containing data resulting from successive characterization stages and data generated by use of the expert system, as illustrated by FIG. 2. As a way of example, at an instant To, a human or animal subject is submitted to a status characterization process SCo that provides with information

characterizing the subject's physiologic identity and state of health. If this characterization stage results in a correct evaluation, a stage for collecting immunocompetent cells is then effected at instant Tco on the human or animal subject. …[0094] At a further instant Tj, another status-characterization stage is effected on the human or animal subject and this characterization stage results in data revealing a physiologic trouble preventing from any cell collection. A therapeutic treatment can be proposed in order to remedy the diagnosed trouble and another characterization stage is further effected at instant Tn until getting a correct evaluation allowing a collection stage i of immunocompetent cells."

Claim 1 has also been amended in view of paragraph [0031]: "The status-characterizing information is processed to determine a subject's identity data, for example by extracting from said status-characterizing information relevant data on personal immunity history and data. The subject's identity data may include immunity-related data, historical and clinical data on previous diseases, treatments and therapeutic protocols experienced by said subject."

New claim 35 is based on amended claim 1 and claim 2, further specifying managing batches of immunocompetent cells for deferred use, i.e., human cells from a blood sample and implemented in a therapeutic protocol including checking for the harmlessness of the lymphocytes before re-injection. Claim 35

further specifies a conditional nature of one invention embodiment where the status-characterizing information yields a subject status characterization result indicating the health status and the psychological status of said subject, if said subject status-characterization result indicates a correct evaluation, said status-characterization step further includes the collecting and conditioning of the cells for constituting of the personal cell library.

No new matter is entered by way of these amendments. The claims continue to read on the elected invention/species.

Claims 1, 15-18, 20, 25, and 30-33 were rejected under 35 USC 102(a) as allegedly being anticipated by LEFESVRE. This rejection is traversed.

Claims 1, 2, 15-18, 20, 21, 25, and 30-34 were rejected under 35 USC 103(a) as allegedly being obvious over LEFESVRE in view of CHA (Physiol. Meas. 1994, …). This rejection is traversed.

Claim 1 was rejected under nonstatutory obviousness-type double patenting in view of claims 1 and 7 of LEFESVRE. This rejection is traversed. Amended claim 1 is non-obvious in view of the amendments having been made thereto. Withdrawal of this rejection is solicited, taking in to account the features not taught or suggested by LEFESVRE. The specifics are discussed below.

Claims 1, 2, 15-18, 20, 21, 25, and 30-34 were rejected under 35 USC 103(a) as allegedly being obvious over LEFESVRE in view of CHA (Physiol. Meas. 1994, …). This rejection is traversed.

This rejection is also traversed. The amended and new claims are non-obvious in view of the amendments having been made thereto and the features not taught or suggested by LEFESVRE. CHA does not cure these defects. The specifics shortcomings are discussed below.

Claims 1, 15-18, 20, 25, and 30-33 were rejected under 35 USC 102(a) as allegedly being anticipated by LEFESVRE. This rejection is traversed on the basis of the below-identified features being neither disclosed nor suggested by LEFESVRE.

As these items have been discussed in detail at the interview, the below summary is kept brief and is focused on claim 1. The other claims contain similar recitations, although of different scope, and are below patentable for the reasons listed below.

Claim 1 recites managing batches of immunocompetent cells collected from human or animal subjects for deferred use by way of collecting certain status information, saving the information in a database for later use, and then using the status information and database to determine cells for selection and re-use into the subject.

LEFESVRE does disclose collecting and storing cells for later retrevial. The comparison to the present invention ends there.

LEFESVRE does not disclose a status-characterization step collecting the subject's health status of health and/or psychological status from the subject's samples, where the said status-characterizing information yields a subject status characterization indicating the subject's health status and/or the psychological status of said subject.

Any collection by LEFESVRE and database suggested/disclosed by LEFESVRE, does not teach or suggest determining the subject's identity data, the identity data including immunity-related data, historical and clinical data on previous diseases, treatments and therapeutic protocols experienced by said subject, that identity data, processed from successive status-characterization steps, being stored into a cell management database.

LEFESVRE does not disclose performing an identification of the batches of cells by consulting said cell management database, and receiving from said cell management database said subject's identity data, upon receiving a request concerning said subject from a cell treatment entity.

Any teaching in LEFESVRE concerning later use of the stored cells does not suggest the more specific step(s) of this invention, e.g., LEFESVRE does not disclose determining a

protocol of deferred use for said immunocompetent cells from said identified batches, by processing said subject's identify data received from said cell management database.

Any teaching in LEFESVRE concerning later use of cells does not suggest the present inventions' extracting selected immunocompetent cells from said personal cell library (selected from the database), according to a determined deferred-use protocol, in view of re-using said selected cells into said subject.

In view of the present amendment and the foregoing Remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Applicant respectfully requests that should any claim not be allowed, that the next Official Action specifically identify the column and line numbers as well as the elements that teach or suggest any feature of such claim that is believe to satisfy the individual claim recitations.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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